THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 14851 of 2007

Date:12-07-2007

Between:

Talari Yasuratnam ..
PETITIONER

AND

The Special Deputy Collector, TW, Kota Ramachandrapuram and another
..
RESPONDENTS

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ORDER:

The petitioner seeks a writ of mandamus to declare the action of the 1st respondent in making attempts to dispossess the petitioner and his three brothers from an extent of Ac.0.97 cents in R.S.No.1/1 and Ac.4.00 cents in R.S.No.I1/2 situated at Busarajupally village of Buttaigudem mandal, through the second respondent, as illegal and arbitrary.

It is stated that the petitioner and his brothers are in possession of the said land since 1950 onwards continuously and in fact, the petitioner was born in the Hill Area and they are hill tribes and their caste is treated as Madiga/Mala (S.C.) and as per the orders of the government madiga/mala is declared as Hill Tribe vide G.O.Ms.No.769, dated 06.04.1932 and G.O.No.78 Revenue, dated 06.04.1933 and the said Scheduled Caste and Scheduled Tribe lists (Modification) Order, 1956 came into force on 29.10.1956. Thus, it is stated that now the petitioner is not the scheduled caste and scheduled tribe, but he is in continuous possession of the said land without violating any of the land transfer regulations.

Admittedly, the petitioner has not made any representation before the respondents about the alleged illegal action said to have been initiated by them to dispossess the petitioner. In the absence of any representation or request by the petitioner, I am of the opinion that no writ of mandamus can be issued.

Accordingly, the writ petition is dismissed with liberty to file representation before the concerned. No costs.

V.ESWARAIAH, J.

Date:12.07.2007
ccm